



**REGULAR BOARD MEETING**  
**University Park Plaza**  
**Conference Room A – 4<sup>TH</sup> Floor**  
**2829 University Avenue S. E.**  
**Minneapolis, Minnesota 55414**

**Minutes**

**March 19, 2010**

**Members Present:** Christine Black-Hughes, LICSW, Vice Chair  
David Hallman, LSW  
Jacqueline Johnson, LICSW  
Rosemary Kassekert, Public Member  
Janna Kovach, LSW  
Mary Casey Ladd, LICSW  
Kenneth Middlebrooks, Public Member, Chair  
Carol Payne, LSW  
Ruth Richardson, Public Member  
Beverly Ryan, LISW  
Tamerlee Ruebke, LSW  
David Sandry, Public Member, Secretary-Treasurer  
Angie Stratig, LICSW  
Antonia Wilcoxon, Public Member

**Staff Present:** Louis Hoffman, Director of Compliance  
Michelle Kramer-Prevost, LGSW, Staff Social Worker  
Brenda Mammenga, Recording Secretary  
Sheryl McNair, LICSW, Assistant Director  
Connie Oberle, Office Manager  
Kate Zacher-Pate, LSW, Executive Director

**1. PROPOSED AGENDA [Attached]**

Chair Middlebrooks called the meeting to order at 9:05 a.m.; a quorum was present. The Board unanimously approved the agenda.

*[Ladd arrived at 9:10 a.m.]*

**2. MINUTES FOR JANUARY 15, 2010 BOARD MEETING [Attached]**

The Board unanimously approved the January 15, 2010 minutes.

### 3. EXECUTIVE DIRECTOR'S REPORT: Zacher-Pate [Attached]

Zacher-Pate referred to the information included in the Executive Director's (ED's) Report of the Board packet and commented on the following:

- Under the "Staffing Update" section of the report, it is noted that the Administrative Services Unit (ASU) determined there was not enough work for full-time employment of the Legal Analyst position, and the Analyst was laid off.
- The Health Licensing Boards' (HLBs) office lease expires on January 1, 2011, and the Administrative Services Unit (ASU) is working with Real Estate Management (REM) to determine where the office will be housed. Staff has completed a detailed space analysis of the office and REM has provided a report about the analysis. REM is in discussion with current building management regarding the possibility of renegotiating a new lease. REM may post a Request for Proposal (RFP) from the HLBs and the RFP will provide information about available rental properties.
- Several months ago a representative from the Minnesota Department of Health (MDH), Rural Health and Primary Care Division, presented at a Board meeting to discuss completing the development and implementation of the Board's workforce survey. An inter-agency agreement has been executed with MDH and there will be no fees charged by MDH to develop and implement the survey. A copy of the revised "Social Worker Workforce Survey 2010" was distributed. The first page of the survey is the Department's standard baseline questions that are applied to all occupations. Under direction from the Legislature, MDH is now taking a closer look at where practitioners have received their education and will try to determine how many health care professionals are coming to our state from other states and how that is impacting the profession. Revisions to the second page of the survey include numbers 11 and 13. The practice settings in number 11 and the areas of practice in number 13 have been refined. Also, numbers 11 and 13 have been cross-referenced with the national workforce survey that is being completed by the National Association of Social Workers (NASW) in order to collect similar data sets to do a state versus national analysis. The approach to number 13 is to determine whether practitioners are doing direct practice, clinical supervision, administration, or case management. Number 14 of the survey now includes more primary languages, and numbers 15 and 16 are new and will look at caseload percentages of different ethnic or racial groups. Numbers 17 and 18 are from the U.S. Census and correspond to the manner in which race/ethnic data is collected on the Board's applications.

Input on the survey may be directed to Zacher-Pate by e-mail and she asked for volunteers from the Board to work on refining the survey. Black-Hughes, Johnson, Ryan, and Wilcoxon volunteered.

- Current and active legislation is highlighted in the ED's written report; no social work legislation was introduced in the 2010 Legislative session. At the invitation of Representatives, some of the HLBs collectively introduced a bill related to the HLBs' budgets which asked for the HLBs' exclusive use of their unspent operational funds and would safeguard the Special Revenue Fund from future funds being transferred to the General Revenue Fund. Also, the HLBs asked for an exemption to the Governor's 3% budget cut based on being core public safety agencies. The bill was introduced in the Senate and the House. However, the Governor's supplemental budget, as introduced, includes the 3% holdback and transfer of funds from the HLBs' appropriations.
- Legislation enacted in 2009 requires the Office of Enterprise Technology (OET) to submit a report to the Legislature regarding, in part, the feasibility of an enterprise system,

outsourcing IT responsibilities, and whether IT employees from various agencies should be consolidated under OET. A final report is due July 1, 2010.

- Open meeting law modifications have been introduced and have a direct impact on the Board. Electronic posting of meeting agendas and materials will be required in advance of meetings.
- Massage therapist regulation via licensure and/or registration has been introduced in both Houses.
- The Minnesota School Social Workers Association (MSSWA) introduced a bill to broaden the authority to diagnose attention deficit disorder and attention deficit hyperactivity disorder. There have been hearings in both Houses and, unexpectedly, the bill has been very controversial as it relates to authorized scopes of practice, competency, training, and supervision. The most recent bill language limits authorization and scope of practice to physicians, nurses who are qualified, and licensed psychologists (LPs), and does not provide authorization for Licensed Professional Clinical Counselors (LPCCs), Licensed Marriage and Family Therapists (LMFTs), and Licensed Independent Clinical Social Workers (LICSWs). This legislative proposal was not brought to the attention of the HLBs that were involved.
- Within the past several months there have been articles published in local newspapers related to a psychologist and chiropractor and their sexual misconduct. The Criminal Rehabilitation Statute gives professionals the opportunity for rehabilitation and the opportunity to regain a professional license. Because these cases received much attention, a bill was introduced in the Senate which would require the Board of Chiropractic Examiners to deny or revoke the license of a chiropractor, and it exempted the Board from applying the Criminal Rehabilitation Statute. The bill was recently introduced in the House and would apply to all HLB licenses. Both bills have strong support in the Legislature.

**4. COMPLIANCE COMMITTEE:** Hallman, Johnson, Kovach, Ladd, Middlebrooks, Payne, Ryan, Stratig [Attached]

Hoffman reported there were 37 open cases when the statistics query was completed, but nine more cases have been opened since that time. Approximately one-half of the cases are less than three months old. Add to these cases those that are three to six months old, and approximately two-thirds of all of the cases are less than six months old. The older cases, which are approximately one-third of the Board's cases, are being investigated by the Attorney General's Office.

*[The meeting went into an Executive Session and was closed to the public from 9:40 – 9:45 a.m.]*

**The Compliance Committee made a recommendation to the Board to approve the Stipulation and Order which would condition and restrict the license of Ross E. Dorothy, LICSW, License No. 10297. The Board unanimously approved the recommendation.**

**5. LICENSING UNIT REPORT:** McNair, Kramer-Prevost [Attached]

McNair reported the following:

- For the time period of January and February 2010, online applications for license renewal totaled 74% and online applications for licensure totaled 83%. The statistics for 2009 in each category were approximately 74%.
- At the last Board meeting McNair reported that a provision in law, effective January 1, 2006, states that Licensed Graduate Social Workers (LGSWs) and Licensed Independent Social

Workers (LISWs) must not engage in clinical social work practice under supervision for more than 8,000 hours, without holding the LICSW license. There are now some LGSWs and LISWs who are approaching or have reached the 8,000 hour limit. The law adds that the Board may grant a LGSW or LISW permission to engage in clinical social work practice for more than 8,000 hours if the licensee petitions the Board and demonstrates to the Board's satisfaction that for reasons of personal hardship the licensee should be granted an extension to continue to practice clinical social work under supervision for up to an additional 2,000 hours. Two petitions have been approved by the Executive Director. One licensee reached the 8,000 hour limit in January and has a LICSW application in process. The other licensee submitted a request for an extension in February and will reach the 8,000 hour limit in April.

- McNair and Kramer-Prevost have recently completed licensure presentations to social work students at Minnesota State University - Mankato, Minnesota State University - Moorhead, St. Cloud State University, St. Olaf College, The College of St. Scholastica, The University of St. Thomas, and Winona State University.

Wilcoxon asked how many applicants for licensure report race and ethnicity, and Oberle stated that approximately 10% of the applicants do not report this voluntary information. Zacher-Pate commented that the analysts of the MDH Rural Health Workforce Study will also request information in regard to race and ethnicity.

Johnson asked about further delineating this information in regard to Black African Americans and adding a category to the Workforce Survey. Also, she stated that it would be interesting to know how many immigrants, such as Somalians, are working in their particular communities. Zacher-Pate agreed that the Workforce Survey would be the appropriate place to include these questions.

Black-Hughes commented that she would be interested in querying race and ethnicity statistics with the pass/fail rate of applicants.

## **6. FEDERATION OF REGULATORY BOARDS (FARB) REPORT: Ruebke**

Ruebke thanked the Board for sending her to the FARB conference in January and reported the following:

- The first day attendees were divided into groups which discussed defining the perfect board. There were a variety of types of boards represented in the discussion varying in size and duties of the members. It was agreed that all boards should have representation according to age, race, and gender, and the size of the board should be proportionate to the number of licensees represented.
- Cost savings was discussed and the topic of government taking board money was repeatedly brought up throughout the conference. The Missouri Board won a lawsuit against the state and the government may no longer take money from the Missouri Board. Next year the topic of government taking board money will be on the conference agenda.
- The Arkansas Board appointment person spoke about criteria for applicants applying for board membership, including asking applicants to submit information about themselves and their involvement in the community. Character checks were included in the application process. Applicants were encouraged to make an appointment with the Governor so the process would be more personal. Also, political affiliation was not a deciding factor in choosing a board member.
- Once again, Ruebke thanked the Board and said it was a very worthwhile experience.

## 7. COMMITTEE & LIAISON REPORTS

### A. Advisory Committee: Wilcoxon

Wilcoxon reported the meeting was cancelled as several committee members were unable to attend.

### B. Association of Social Work Boards (ASWB) – Attendance at Spring Educational Meeting: Middlebrooks [Attached]

Middlebrooks referred to the conference sign-up sheet that was passed around earlier at the meeting to see if there were Board members who would be interested in attending the ASWB Spring Educational Meeting in Charleston, South Carolina, May 13-16. No one signed up to attend the meeting.

Zacher-Pate said there are tighter budget concerns this year with the Governor's 3% budget cut proposal, and she believes it is more important to have Board representation at the ASWB Administrator's Forum. Zacher-Pate also reported that ASWB has confirmed the availability of nine slots for this Board to attend ASWBs' new Board member training which will be held August 27-29 at the Marquette Hotel in Minneapolis. All Board members who need to attend the training, along with staff member Kramer-Prevost, will be able to attend. ASWB will pay for the training, lodging, and meals, and the Board will pay for mileage expenses. Also, ASWB will be hosting a group dinner on Friday evening for all attendees, including additional Board members and staff who may wish to attend, at no cost to the Board. Board member presence at the training and dinner is a good opportunity to meet with ASWB staff and board members from other jurisdictions.

**A motion was made by Hallman, and seconded by Sandry, that in regard to cost-cutting factors, the Board does not send any Board members to the ASWB Spring Educational Meeting in Charleston, South Carolina, May 13-16, 2010. The motion passed with seven voting "yes" and five opposing.**

**A motion was made by Hallman, and seconded by Wilcoxon, that the Board send the Board's Executive Director to the ASWB Spring Educational Meeting in Charleston, South Carolina, May 13-16, 2010. The motion passed unanimously.**

### C. Compliance Education Outreach Committee: Wilcoxon

Wilcoxon reported that Hoffman, McNair, and Wilcoxon will offer a compliance presentation at the Minnesota Social Service Association (MSSA) Conference on March 25. Hoffman reported he has received materials on the St. Louis County Health and Human Services Conference in Duluth in October. Ladd reported that Mary Bridget Lawson from St. Louis County asked her to do a presentation on supervision at the conference.

### D. Council of Health Boards: Kassekert

Kassekert reported the committee has not met.

E. Executive Committee Session: Middlebrooks, Black-Hughes, Sandry  
[Portion Closed to the Public: Annual Review of Executive Director]

Middlebrooks commented on the document distributed, "Board Consideration and Action, Engage in Follow-Up Strategic Planning Exercise, March 19, 2010," as follows:

- At previous Board meetings, the Board has discussed revisiting its strategic plan to ensure that the Board is working effectively, its projects are prioritized correctly, and that staff is being used effectively. The last time the Board worked on the plan was in the summer of 2007 when Susan Senko from the State's Management Analysis Division conducted a Board assessment with the Board. Since there are many new Board members, the Executive Committee is suggesting that the Board revisit the strategic plan process.
- Zacher-Pate has been in contact with Charlie Petersen from the Minnesota Management Analysis Division who is a very experienced facilitator and has conducted strategic planning. The process would take 8-10 hours, including preparation, the session, and documentation that is created from the session. The Executive Committee recommended the Board take action on this idea and consider strategic planning as a part of the May Board meeting.
- The cost of the process would not exceed \$1,500.

**A motion was made from the Executive Committee that the Board approve an interagency agreement with Charlie Peterson from the Minnesota Management Analysis Division to prepare, conduct, and provide documentation for a strategic planning assessment of the Board. The process may take up to ten hours and the cost to the Board may not exceed \$1,500.00. The motion carried unanimously.**

*[The meeting went into an Executive Session and was closed to the public from 10:20 – 10:30 a.m.]*

- Middlebrooks stated the Board approved Zacher-Pate's performance evaluation, and the Board congratulated and thanked her for doing a great job.
- Zacher-Pate thanked Board members for their support and guidance, and she said we have a fabulous Board with all of its commitment, energy, and expertise. She also said there is a great staff and, collectively, much has been accomplished.

F. Finance Committee: Sandry (Distributed)

Sandry reported the following:

- According to the February budget report and through 66% of the year, the Board has expended 56% of its direct costs and collected 66% of its revenue. Revenue projections have proven to be very accurate and expenses have remained below revenue.
- Both the Governor's proposed FY 2010 and FY 2011 3% budget reduction and the inflationary budget amount must be absorbed into the Board's operational budget. During the planning of the Biennial Budget for FY 2012 and FY 2013, the Board may ask for additional spending authority to increase the budget in order to cover the inflationary budget items.
- The planned budget projections and shortfall include:
  - 10% fee reduction, effective July 2009, estimated to be approximately \$134,000 per fiscal year.

- Estimated transfer on July 1, 2011 (FY2012) of \$600,000 from the BOSW accumulated surplus in the State Government Special Revenue Fund (SGSRF) to the General Revenue Fund. (This transfer was approved in the 2009 Legislative session and totals \$6 million from the combined HLB accumulated surplus funds.)
- OET Electronic-Licensing (e-licensing) Surcharge which is estimated to be \$90,000 per fiscal year. The Board approved to transfer this amount from the BOSW accumulated surplus funds for FY 2010 (July 1, 2009 through June 30, 2010), rather than assess this surcharge fee to licensees.

Zacher-Pate reported the following:

- Last evening the Finance Committee discussed the February 2010 budget proposals and the need to be aggressive in regard to operational reductions because of the Governor's 3% budget reduction (\$18,000 hold back in unspent operational funds in FY 2010, and \$28,000 in FY 2011). When this was discussed at the January Board meeting, the Board was hopeful that Minnesota Management & Budget (MMB) might have recommended to the Governor that the 3% reduction would not apply to the HLBs because they are not general revenue funded and two transfers to the General Revenue Fund have already occurred from the HLB accumulated surplus funds. One of the transfers occurred in FY 2004-2005, and the other occurred in FY 2006-2007. Including the transfer which will occur in FY 2012, the Legislature has approved three transfers of HLB accumulated surplus funds totaling \$12.6 million to the General Revenue Fund.
- The Board will need to absorb the Governor's 3% budget cuts of \$18,000 in FY 2010 and \$28,000 in FY 2011. Therefore, there will be a \$35,000 shortfall in the operational budget which the Board will need to absorb. The Board will also need to absorb projected inflationary costs including salary increases, insurance, rent, and the general cost of doing business.
- The Board sent the required memo to MMB itemizing ways in which the Board would try to absorb the 3% budget reduction. For example, the Board may postpone computer and equipment purchases, which have previously been purchased in accordance with a three-year replacement cycle, until the end of the biennium to see if money is available. Communication and postage expenses will be reviewed to see if they can be reduced. Reductions in staff and Board member instate travel will be considered, as well as Board member per diems. In providing public education services to colleges and universities, staff will travel to each school no more than one time per academic year. BOSW will explore utilizing interactive television systems currently used in other state agencies. The Finance Committee also discussed reducing outstate travel and employee development, but it is not considering reducing staff, which is about 75% of the Board's operational budget. Zacher-Pate said she will make the most prudent reductions possible without jeopardizing core functions and services. The Committee agreed that Zacher-Pate did not need Committee or Board approval to reduce operational expenses if they total less than 17%, but the Board should be informed of such actions.
- The Finance Committee's agenda included: "To review and make recommendations about whether to begin the implementation of the e-licensing surcharge to licensees rather than the Board absorbing the \$90,000 per fiscal year out of the surplus." When the surcharge went into effect, the Board voted unanimously to absorb and pay for the e-licensing surcharge for FY 2010 as there was money available in the surplus to pay for the surcharge. The Board also agreed at that time that an assessment would be made each year to determine whether the budget could sustain absorbing the surcharge fees.

- When the surcharge was first mandated, there were two HLBs that did not absorb the surcharge fee for their licensees, and now there are eight HLBs that will no longer absorb the surcharge as a cost reduction measure.
- Another item from the operational budget that should be considered by the Board is whether the Board will continue to absorb the online credit card transaction fees, on average \$5 each time a licensee uses a credit card as payment for an online renewal or license application service. Last year the Board paid \$12,700 from its operational budget for these credit card fees, rather than assessing the fees to licensees, to encourage the utilization of online services.
- An option the Board may consider in planning the Biennial Budget for FY 2012 and FY 2013 is to ask the Legislature for increased spending authority which would be in addition to the \$921,000 currently budgeted. Asking the Legislature for increased spending authority is contingent upon the Board's ability to have money in surplus. The purpose of asking for increased spending authority is to maintain staff and to absorb the anticipated \$28,000 budget reduction in FY 2011, \$35,000 in FY 2012, and \$77,000 in FY 2013. These numbers are the Finance Committee's best estimates.
- In order to ask for increased spending authority, the Finance Committee is paying close attention to the status of the surplus. In 2009 the Legislature approved the transfer of \$6 million to occur in FY 2012 from the HLBs, and the Board estimated its share to be \$500,000, which will be transferred to the State General Fund. However, this amount is expected to increase to \$600,000 because of the statutory language specifying the \$6 million would be transferred from the Boards having a positive surplus balance at the close of FY 2009. Since this Board had a positive surplus balance as of FY 2009 (several Boards did not), the Board's portion was increased by approximately \$100,000 more than the Board expected. (If the \$600,000. was paid by the licensees, each licensee would be required to pay \$60.00.)
- Last night the Finance Committee reviewed budget reports, which are sound, and decided staff would manage the 3% budget reductions by reducing operational expenditures. The Committee debated Agenda Item No. 4: "To review and recommend whether to begin assessing the online application and renewal credit card transaction fees to licensees and applicants".

Sandry reported the Finance Committee agreed to continue absorbing the anticipated \$12,700 for online credit card transactions (average \$5 per transaction) and agreed this expense must be monitored annually to determine if the Board can continue to cover this expense. Assessing the online credit card transaction fee to licensees is believed to be a real disincentive from using online services and could result in more licensees applying with paper forms, which would add staff time and expense for processing applications.

Zacher-Pate noted the Finance Committee requested a cost benefit analysis related to expenses incurred if there was a decrease in online transactions and increased staff time required to process applications.

Sandry noted the Finance Committee's Agenda Item No. 3: "To review and make recommendations of whether to begin implementation of an E-Licensing surcharge to licensees in FY 2011 (beginning July 1, 2010)".

**The Finance Committee made a motion to recommend that the Board begin assessing implementation of the Office of Enterprise Technology's e-licensing surcharge to licensees in FY 2011, beginning July 1, 2010, instead of having the**



**Board absorb the surcharge utilizing accumulated surplus funds. The Board unanimously approved the Finance Committee's motion.**

Sandry said the surcharge fee would be 10% of licensure fees, or no less than \$5, for every license issued or renewed, including both paper and online applications beginning July 1, 2009 through June 30, 2015. The surcharge is required by Minnesota Statute 16E.22.

**G. HPSP: Kassekert**

In Kassekert's absence, McNair attended the HPSP meeting and reported the following:

- The Program Committee met in February and the mid-year report was distributed documenting referrals and discharges by the HLBs from July 1, 2009 through January 31, 2010. During this time period the Board had two non-disciplinary Board referrals and six self-referrals. Seven were discharged from the program, two completed the program, one was non-compliant, one voluntarily withdrew, one was ineligible, and two were non-jurisdictional.
- The operating budget was distributed, which is \$704,000, and will be reduced by \$13,000 in FY 2010 and \$21,000 in FY 2011, as required by the Governor's 3% budget cut. The budget is broken down as follows: 89% salaries and benefits; 5% rent; and 6% supplies, consultants, phone, fax, e-mail, copy machine rental, and medical records.
- Cost cutting measures include eliminating \$2000 for staff development, possibly requesting only admission and discharge summaries instead of full medical records, and using e-mail to reduce paper consumption.
- 14,000 toxicology screens are done annually and are faxed and manually entered. In the future the screens will be directly entered into the data base and will save staff time. Participants pay for the screens at three different labs, and in the future, they will use only one lab.
- The IT Security Report will no longer be distributed to avoid jeopardizing security. OET will review the system for free.
- A new user-friendly survey is being developed.
- An HPSP case manager presented a case looking at complicating factors related to alcoholism, which highlighted red button issues for participants who had been enrolled in the program multiple times.
- Discussion occurred regarding the pros and cons of limiting the number of times someone could be enrolled in HPSP.
- The next meeting will be held on May 18, 2010.

**H. Legislation & Rules Committee: Ladd**

Ladd reported the Board has no legislation before the Legislature this year and the Committee has not met.

**I. Legislative Task Force: Middlebrooks, Wilcoxon [Refer to Item 7]**

- Middlebrooks reported that members of the committee, including Black-Hughes, Middlebrooks, Wilcoxon, and Zacher-Pate, will offer a presentation on licensure exemptions at the MSSA Conference on March 25.
- There were conflicts in setting up a meeting with the Minnesota Association of County Social Service Administrators (MACSSA) and the meeting will be rescheduled.

- On June 4 the committee will present at the Minnesota Chapter of the National Association of Social Worker's annual conference.
- The committee is working on revising the legislation timeline.

J. Licensing Study Committee: Wilcoxon

Wilcoxon reported the committee has not met.

K. Nominating Committee: Sandry

Sandry reported the Committee has not met and is waiting on information regarding board member appointments from the Governor's office.

Zacher-Pate reported the following:

- At the last Board meeting it was reported that no appointments were made, but the Governor's Appointment Secretary, John Hultquist, said he confirmed the Board's reapplications and there were other applicants, but none for the State Agency Social Worker position.
- Betty Carlson from the Minnesota Merit System was contacted for help in finding applicants. She arranged for the Board's position description, website, etc. to be posted on the DHS intranet website, which would inform supervisors and managers of all state operated services.
- Zacher-Pate expressed appreciation for Carlson's assistance in this matter.

8. **LUNCH:** 11:35 a.m. – 12:05 p.m.

9. **PUBLIC COMMENT**

Alan Ingram, Executive Director, NASW-Minnesota Chapter, was surprised about the Board's decision to have licensees pay the OET e-licensing surcharge instead of using the Board's surplus, thereby, increasing licensure fees by 10% on July 1, 2010. Ingram expressed concern that the Advisory Committee was not informed in advance about this action, and he feels it may not be necessary to assess this fee at this time, which would in reality increase the fees paid by licensees.

Ingram was confused about the Board's deficit projections of \$134,000 as a planned budget shortfall in FY 2011 through FY 2013. He said he has been observing the budget since the Board's inception over 20 years ago and dire budget predictions never happen. Ingram said with this year's projected \$128,129 deficit through three quarters of the year, the cumulative result is a \$15,000 surplus, and it would be difficult for the Board to deficit spend \$115,000 - \$120,000 in one quarter. Ingram understands the pessimistic projections, but all of the figures equal the estimated \$600,000 surcharge. Therefore, there may be a projected \$600,000 budget shortfall that will not happen, the surplus will not be used as quickly as projected, and the surcharge to the licensees could be delayed for one year. Ingram encouraged the Board to revisit this decision.

Pam Luinenburg from the Coalition of Licensed Social Workers said she has talked with Zacher-Pate about the bill MSSWA brought to the Legislature and will review the bill today. Luinenburg said the bill was a small, well-intentioned bill that would give more access to services that has morphed into a large, messy issue. The Coalition's membership consists of seven associations, including NASW and MSSWA. School social workers brought this bill to the Legislature because of the concern about access, who will be considered for special educational services, and whether there is a barrier to the services.

The Comprehensive Children's Mental Health Act (CMHA) currently states that any mental health professionals included in the CMHA are legally qualified to make a diagnosis, including physicians, certain nurse specialists, LPs, LICSWs, LMFTs, and the new LPCCs. Each licensing board grants the professionals the scope of practice to do this work. Therefore, the child typically receives a diagnosis outside of the school system. Other statutes state that only psychologists, physicians, and advanced practice nurses may make the diagnosis. If a child receives a diagnosis from a LICSW, the parent has to get another diagnosis from one of those three professionals. This sets up a two-step process and is a problem for parents without insurance, money, or transportation to receive these services.

There was discussion about the CMHA allowing physicians to diagnose special education children having ADD and ADHD. Luinenburg said there is conflict in the two laws. In the CMHA psychiatry section, it states that the physician must be licensed and certified by the American Board of Psychiatry, but the special education law states the professional must only be a licensed physician. The CMHA states that a mental health professional must have training and experience in working with children consistent with the age group to which the mental health professional is assigned. Amendments have been suggested which do not qualify LICSWs, LMFTs, and LPCCs to diagnose ADD and ADHD.

After several hearings, social workers initiated a meeting and about twenty advocates from the different professions and DHS met to discuss the bill. The Coalition met on Wednesday and is recommending that the bill be pulled from this session and that a meeting be held with all the stakeholders about the serious and not so serious questions that are being raised about the bill. A thoughtful discussion needs to occur regarding good diagnostic processes, access issues, and what needs to be done to adequately serve and protect children. It is uncertain at this time whether the two authors of the bills in the House and Senate will agree to pull the bills from this session.

## **10. OTHER BUSINESS**

There was no other business.

## **11. ROUNDTABLE**

- Wilcoxon reported on two bills being considered at the Legislature. Senator Torres Rey, a former DHS employee, introduced a bill (Senate File 3009) with the language stating that state agencies, primarily the Department of Health and Human Services (DHS), are being directed to follow-up on the inventory of data collection as they apply to health disparities. A number of advocacy groups have asked Senator Rey to sponsor a bill in which agencies will be required to collect granular data. That is, the current categories for Caucasian, African or African American, and Asian are not sufficiently detailed for DHS to understand how to determine data related to African immigrants, Hmong, and Asians. The companion bill was introduced by Representative Murphy (House File 3630) and DHS will have a role with the bill.
- Middlebrooks thanked the Finance Committee for its in-depth meeting last night. He also thanked Mammenga for recording the minutes over the years.

## **12. EXECUTIVE SESSION #1: Closed to the Public from 12:30 – 1:15 p.m.**

[Information provided at meeting]

This session was closed to discuss pending legal issues.

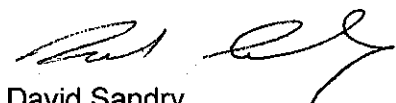
13. **EXECUTIVE SESSION #2:** Closed to the Public from 1:15 – 1:30 p.m.  
[Materials were mailed, under separate cover, to appropriate Board Members]

**A motion was made by Kassekert, and seconded by Richardson, for the Board to approve the Findings of Fact, Conclusions, and Final Order, in the Matter of Joseph S. Duncan, LICSW, License No. 16319. The motion was unanimously approved by the Board.**

14. **ADJOURN**

The meeting adjourned at 1:30 p.m.

Respectfully submitted,



David Sandry  
Secretary-Treasurer